

E-FILED - 8/7/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JERRY GERALD DELAROSA,

No. C 08-05280 RMW (PR)

Petitioner,

ORDER GRANTING EXTENSION OF
TIME FOR PETITIONER TO FILE
OPPOSITION TO RESPONDENT'S
MOTION TO DISMISS

v.

M. MARTELL, Warden,

Respondent.

(Docket No. 6)

Petitioner, a state prisoner, filed a pro se petition for a writ of habeas corpus. The court directed respondent to file an answer to the petition and granted petitioner leave to file a traverse within thirty days after the answer was filed. In lieu of filing an answer, respondent has filed a motion to dismiss. Petitioner has not filed an opposition to the motion to dismiss. On June 3, 2009, the court sua sponte granted petitioner additional 45 days to file an opposition. On July 20, 2009, petitioner filed a motion for an extension of time to file his opposition. Petitioner experienced that he just had surgery which prevented him from preparing a timely opposition.

Good cause appearing, the court GRANTS petitioner an extension of time in which to file his opposition to respondent's motion to dismiss. The time in which petitioner may file his opposition will be extended up to and including thirty (30) days from the date of this

1 order. No further extensions of time will be granted. Respondent shall file a reply brief no
2 later than **fifteen (15) days** after the date petitioner's opposition is filed.

3 This order terminates docket no. 6.

4 IT IS SO ORDERED.

5 DATED: 8/5/09


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California